

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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## **Enforcement Action**

**Roland R. Acuna****Professional Geologist No. 6733****Certified Engineering Geologist No. 2113**

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Roland Acuna for violation of sections 7872(h) and 7860 of the Business and Professions Code and for violation of section 3065(a)(2) (competence and due care) of the California Code of Regulations (CCR).

Roland Acuna, an employee of Strata-Tech, Inc., signed and sealed a report entitled "Geotechnical Investigation & Percolation Test for Proposed Residence at Lot 350, Tract 5317, Val Verde, California," dated July 2, 2004 as "Roland Acuna, CEG 2113". Although the field investigation, percolation tests and the report preparation were performed by a licensed Professional Engineer employed by the same firm, Mr. Acuna assumed professional responsibility for the reports geologic contents. The signature and stamp of Mr. Acuna on this report indicates his professional responsibility for the report's accuracy (Bus. & Prof. Code section 7835).

That report failed to meet the standard of care for septic system siting suitability testing documentation in that it lacked the name of the person performing the tests, descriptions of procedures used, test computations, detailed records and explanations of any failed tests and the test locations. Additionally, the boring logs lacked the name of the person who logged them and adequate Unified Soil Classification System (USCS) descriptions of the soil types encountered.

In this case, Mr. Acuna failed to adequately check the report for errors in transmitting the data to the client for presentation to the regulatory agency. Title 16 CCR section 3065 subdivision (a)(2) makes it grounds for disciplinary action for any licensee to fail to act with competence and reasonable care while expressing opinions that have a basis in fact or experience in applying the technical knowledge and skill which is ordinarily applied by licensees of good standing and under similar circumstances and conditions.

Mr. Acuna committed acts of professional negligence, constituting grounds for disciplinary action under Business and Professions Code section 7872(h) and section 7860 and for violation of section 3065 16 CCR section 3065 subdivision (a)(2).

In accordance with section 125.9(d) of the Business and Professions Code, payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Acuna agreed to pay the fine and the case was closed on June 8, 2006.